

1 GEORGE D. YARON
Nevada Bar No. 7959
2 YARON & ASSOCIATES
1300 Clay St, Suite 800
3 Oakland, California 94612
Telephone: (415) 658-2929
4 Facsimile: (415) 658-2930
gyaron@yaronlaw.com

5 TODD L. MOODY
6 Nevada Bar No. 5430
HUTCHISON & STEFFEN ATTORNEYS
7 10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
8 Telephone: (702) 385-2500
Facsimile: (702) 385-2086
9 tmood@hutchlegal.com

10 Attorneys for Defendants, Counter-Claimants, and Third-Party Plaintiffs
11 JOHN PETER LEE, LTD., and the ESTATE OF JOHN PETER LEE

12
13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 EVANSTON INSURANCE COMPANY,)
16)
Plaintiffs,)
17)
v.)
18)
70 LIMITED PARTNERSHIP, a Nevada L.P.;)
19 TERTIA DVORCHAK, as Special)
Administratrix of the Estate of Thomas T. Beam,)
20 Deceased; JOHN PETER LEE, LTD., a Nevada)
Professional Corporation; and JOHN PETER)
21 LEE, an Individual,)
22 Defendants.)

23 JOHN PETER LEE, LTD. and JOHN PETER)
LEE,)
24 Third-Party Plaintiff,)

25 v.)
26 HARLEY E. HARMON INSURANCE)
27 AGENCY, INC.,)
28 Third-Party Defendant.)

CASE NO.: 2:14-CV-01370-RFB-NJK

**STIPULATION AND PROPOSED
ORDER, PURSUANT TO LOCAL
RULE 1A 6-1, TO EXTEND THE
DEADLINE FOR FILING A PROPOSED
SCHEDULING ORDER
(Third Request)**

1 This matter was stayed effective December 5, 2014, when Magistrate Judge Nancy J. Koppe
2 issued an Order staying this action pending the resolution of the malpractice lawsuit, entitled 70
3 *Limited Partnership, et al. v. John Peter Lee, Ltd., et al.*, Case No. A-13-691389-C, Eighth Judicial
4 District, State of Nevada, Clark County (“*Malpractice* action”).

5 The *Malpractice* action involved allegations of attorney malpractice by John Peter Lee, Ltd.,
6 and John Peter Lee in connection with their work on an inverse condemnation case, captioned 70
7 *Limited Partnership, et al. v. McCarron International Airport and Clark County*, Clark County
8 District Court, Case no A572739 (“*McCarron* action”). Moreover, the case, captioned *F & C*
9 *Collections, Inc. and John Peter Lee, Ltd., v. Estate of Thomas T. Beam, Jimma Lee Beam*
10 *Revocable Trust, 70 Limited, LLC., Leigh, T&D, Inc., Jimma Lee Beam (deceased), Tertia Dvorchak*
11 *and Bank of Nevada*, Clark County District Court, Case No. A-13-680570-B (“*Collection* action”),
12 began when John Peter Lee, Ltd., sought to recover the fees/costs earned prosecuting the *McCarron*
13 action. The *Malpractice* action was filed after the *Collection* action approximately seven and one-
14 half months later. On or about April 25, 2014, the *Malpractice* action was consolidated with the
15 *Collection* action.

16 A settlement was reached in the *Collection* action, and *Malpractice* action was dismissed.
17 In light of these developments, the parties recently requested the Court lift the stay. The Court lifted
18 the Stay effective August 17, 2017, and ordered the parties to file a proposed scheduling order by
19 August 24, 2017.

20 This matter involves six parties. These parties are: (1) Evanston Insurance Company, (2)
21 70 Limited Partnership, (3) Tertia Dvorchak, (4) John Peter Lee, LTD., (5) the Estate of John Peter
22 Lee, and (6) Harley E. Harmon Insurance Agency, Inc. Evanston Insurance Company, is the
23 professional liability insurer of the deceased John Peter Lee and Mr. Lee’s law firm - John Peter
24 Lee, Ltd. Mr. Lee passed away during the time that this matter was stayed. 70 Limited
25 Partnership and Tertia Dvorchak brought the *Malpractice* action against Mr. Lee and John Peter
26 Lee, Ltd. The Estate of John Peter Lee and John Peter Lee, Ltd., filed a Third-Party Complaint
27 against John Peter Lee, Ltd.’s insurance broker, Harley E. Harmon Insurance Agency, Inc., for
28 claims related to the *Malpractice* action.

1 In the second half of August of 2017, the parties commenced settlement discussions. The
2 parties requested that the deadline for filing a proposed Scheduling Order be extended from August
3 24, 2017 to September 6, 2017, so that the parties would have time to continue their settlement
4 discussions. The Court granted the request and signed the Stipulation. Thereafter, the parties made
5 a second request that the deadline for filing a proposed Scheduling Order be extended from
6 September 6, 2017 to September 13, 2017, for the parties to continue their settlement discussions.
7 The Court granted the request and signed the Stipulation.

8 During the past three weeks, the parties have continued settlement discussions. All claims
9 between Evanston Insurance Company, on the one hand, and John Peter Lee, LTD., and the Estate
10 of John Peter Lee, on the other hand, have been tentatively settled. The claims asserted by Evanston
11 Insurance Company against Tertia Dvorchak and 70 Limited Partnership have been tentatively
12 settled. The only remaining claim is the claim of John Peter Lee, LTD., and the Estate of John Peter
13 Lee, on the other hand, against Harley E. Harmon Insurance Agency, Inc., on the other hand. There
14 are ongoing settlement negotiations related to the remaining claim.

15 The parties request that the deadline for filing a proposed Scheduling Order be extended 9
16 days to provide additional time for the parties involved to continue their settlement discussions. If
17 the remaining settlement discussions are successful, then the entire matter, including Counterclaims
18 and Third-Party Complaints, will be dismissed. If the settlement discussions are unsuccessful, then
19 the parties will prepare and file a proposed Scheduling Order on or before September 22, 2017.

20 The Parties hereby stipulate that the deadline to file the proposed Scheduling Order be
21 continued 9 days to September 22, 2017.

22 \\\

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

28 \\\

1
2 DATED: September 13, 2017

YARON & ASSOCIATES

3 By: /s/ George D. Yaron
4 GEORGE D. YARON
5 Nevada Bar No. 7959
6 YARON & ASSOCIATES
7 1300 Clay Street, Suite 800
8 Oakland, California 94612
9 -AND-
10 TODD L. MOODY
11 Nevada Bar No. 5430
12 HUTCHISON & STEFFEN ATTORNEYS
13 10080 West Alta Drive, Suite 200
14 Las Vegas, Nevada 89145
15 Attorneys for Defendants, Counter-
16 Claimants, and Third-Party Plaintiffs
17 JOHN PETER LEE, LTD., and ESTATE
18 OF JOHN PETER LEE

19
20 DATED: September 13, 2017

CLARK HILL, PLLC

21 By: /s/ Nicholas M. Wieczorek
22 NICHOLAS M. WIECZOREK
23 Nevada Bar No. 006170
24 3800 Howard Hughes Parkway, Suite 500
25 Las Vegas, Nevada 89169
26 Attorney for Plaintiff and Counter-
27 Defendant
28 EVANSTON INSURANCE COMPANY

LITCHFIELD CAVO, LLP

21 By: /s/ Griffith H. Hayes
22 GRIFFITH H. HAYES
23 Nevada Bar No. 7374
24 3753 Howard Hughes Parkway, Suite 200
25 Las Vegas, Nevada 89169
26 Attorneys for Third-Party Defendant
27 HARLEY E. HARMON INSURANCE
28 AGENCY, INC.

1
2 DATED: September 13, 2017

WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC

3 By: /s/ Jeremy R. Alberts
4 JEREMY R. ALBERTS
5 Nevada Bar No. 10497
6 HOWARD J. RUSSELL
7 Nevada Bar No. 8879
8 D. LEE ROBERTS, JR.
9 Nevada Bar No. 8877
10 DAVID J. LARSON
11 Nevada Bar No. 8837
12 6385 S. Rainbow Blvd, Suite 400
13 Las Vegas, Nevada 89118
14 Attorneys for Defendants
15 70 LIMITED PARTNERSHIP and
16 TERTIA DVORCHAK
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED


UNITED STATES MAGISTRATE JUDGE

DATED: September 14, 2017